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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,965	06/24/2003	Benedict Anthony Gomes	Google-4/CON1(GP-009-01-	1058
26479	7590	10/17/2006	EXAMINER	
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/602,965

Applicant(s)

GOMES ET AL.

Examiner

Cheyne D. Ly

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 46-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicants' arguments filed August 03, 2006 have been fully considered and they are deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are newly applied. They constitute the complete set presently being applied to the instant application.

Applicant's arguments directed to withdrawn rejections are moot.

2. The terminal disclaimer has been accepted.
3. The addition of claims 53-61 has been acknowledged.
4. Claims 46-61 are examined on the merits.
5. NON-FINAL.

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 46, 49, 51, and 53-61 are rejected under 35 U.S.C. 102(a) as being anticipated by Rubinstein et al. (US005913215A) (Rubinstein hereafter).

8. In regard to claim 46, Rubinstein discloses a method for processing search results generated based on a query (Abstract etc.) comprising:

- a. Accepting the search results (column 3, lines 2-6, and column 15, line 50, to column 16, line 6);

b. Accepting keyword information extracted from the query (column 3, lines 11-12, and column 16, lines 7-50); and

c. Generating a set of final search results (column 21, lines 5-7, especially, “the work order is completed, the results are sent to the user-interface”) from the accepted search results using the accepted keyword information (column 2, lines 38-43, and 65-67, and claim 4).

9. In regard to claims 49 and 51, Rubinstein discloses a computer-readable medium and apparatus (claims 11 and 13) for the above-cited method.

10. In regard to claims 53, 56, and 60, Rubinstein discloses the claimed invention as cited above. Further, Rubinstein discloses extracting query relevant parts of the search results using the accepted keyword information (column 2, lines 9-25), and generating the set of final search results from the accepted search results using the extracted query relevant parts (column 21, lines 5-7, especially, “the work order is completed, the results are sent to the user-interface”). In regard to claims 54, 57, and 59, Rubinstein discloses generating the set of final search results (column 21, lines 5-7, especially, “the work order is completed, the results are sent to the user-interface”) from the accepted search results using comparisons of the extracted query relevant parts (column 8, line 28, to column 9, line 27).

11. In regard to claims 55, 58, and 61, Rubinstein discloses the set of final search results includes Web pages (column 4, lines 19-31).

**Claim Rejections - 35 USC § 103**

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 47, 48, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubinstein et al. (US005913215A) (Rubinstein hereafter) as applied to claims 46, 49, 51, and 53-61 above, and further in view of Thomson (US 5634051 A).

15. Thomson describes an improvement for reducing the amount of time and cost required retrieving relevant results (Abstract). One of ordinary skill in the art at the time of the invention would have been motivated by Thomson to improve the information retrieval apparatus and method of Rubinstein to reduce the amount of time and cost required to retrieve relevant results.

16. In regard to claim 47, Rubinstein describes all the limitations of the claim except for the determining of steps 1) and 2). Thomson describes determining, using the accepted keyword

information, whether or not a candidate search result is similar to a search result already in the set of final results, and if it is determined that the candidate search result is similar to a search result already in the set of final search results, then not adding the candidate search result to the set of final search results (column 4, line 55, to column 5, line 12, and column 10, lines 1-16, and lines 31-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make and use the method and apparatus of Rubinstein and Thomson to reduce the amount of time and cost required to retrieve relevant results.

17. In regard to claims 48, 50, and 52, Rubinstein describes all the limitations of the claims except for the determining of steps 1) and 2). Thomson describes determining, using the accepted keyword information, whether or not a candidate search result is similar to a search result already in the set of final results, and adding the search results to the set of final search results only if it is determined that the candidate search result is not similar to any search results already in the set of final search result (column 4, line 55, to column 5, line 12, and column 10, lines 1-16, and lines 31-48). Thomson describes a method which “at the time of loading duplicate documents from the multiple sources preferably are identified and removed so that the results from a search query will not include redundant or duplicate document...” Therefore, Thomson suggests the loading of non-redundant search results or search results that is not similar to any search results already in the final set of search results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make and use the method and apparatus of Rubinstein and Thomson to reduce the amount of time and cost required to retrieve relevant results.

### **CONCLUSION**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rubinstein (Feb. 1998) for disclosing browse by prompted keyword phrases with an improved user interface, and Rubinstein (Aug. 1998) for disclosing browse by prompted keyword phrases.


19. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

20. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly /   
Patent Examiner  
10/15/06